

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, October 14, 2014**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, October 14, 2014:

- Approving Minutes of Regular Meeting of September 23, 2014
- Granting new bartender licenses.
- Granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Eau Claire Fire House, d/b/a The Fire House, 202 Gibson St., to include a fenced in area for a Backyard Bash Party event, on October 18, 2014.
- Authorizing the Indianhead Track Club to conduct the Carson Park 5 & 10 on October 25, 2014 at Carson Park.
- Authorizing Plan Ahead Events to conduct the Stuff the Sleigh 5K on November 22, 2014 on city trails and sidewalks.
- Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for improvements to the alley north of Sara Street from Forest Street to 232 feet east of Forest Street, and directing the City Clerk to give notice of a hearing scheduled for October 27, 2014.
- Authorizing the submission of an application to the United States Environmental Protection Agency (EPA) for a Brownfield Assessment Grant for the West Bank

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **LICENSING**

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage to Bug Eyed Betty's LLC, d/b/a Bug Eyed Betty's, 1920 S. Hastings Way, Jordan Hedrington, agent. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Xiong "to adopt the resolution". Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Immaculate Conception Church, Father Don Meuret, on October 28 & 30, 2014, at 1712 Highland Ave. for an Italian Dinner event. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Chippewa Valley Free Health Clinic, Maribeth Woodford, Executive Director, on October 17, 2014, at 3800 Starr Ave. #A, Heartland Aviation Hanger, for the Gordy’s Valley Spirits “Uncorked” Autumn Wine Tasting Gala event. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to YMCA of Eau Claire Wisconsin, Douglas Johnson, president, on October 19, 2014, at Carson Park, for the Biggest Loser Run/Walk event. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

### **SPECIAL EVENTS**

The Council considered a resolution authorizing Visit Eau Claire Sports Commission to conduct the Biggest Loser Run/Walk on October 19, 2014 at Carson Park. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing North High School to conduct the Remember the Military on October 24, 2014 on city trails and sidewalks. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the UWEC Men’s Ultimate Frisbee Club to conduct the Chill Out Ultimate Frisbee Tournament on October 25-26, 2014 at the Eau Claire Soccer Park. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

### **TAX INCREMENT DISTRICT #10**

Council Member Strobel recused himself from consideration of this item and stepped down from the council dais.

The Council considered a resolution approving the creation of Tax Increment #10. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to adopt the resolution”. The Council discussed the resolution. After extensive discussion, Council voted on the resolution. Said resolution passed by the following vote:

Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis and Von Haden.

Council Member Strobel returned to his seat on the council dais.

### **DEVELOPMENT AGREEMENT**

The Council considered a resolution approving a Development Agreement for the Mixed-Use Building as part of the Confluence Project. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell “to adopt the resolution”. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Lewis “to amend paragraph 6.1 of the Development Agreement by adding the following sentence ‘The exterior walls or facades of the building which face Eau Claire and Barstow Streets should be brick or masonry, which are typical of the Downtown.’” After discussion the Council voted on the motion to amend. Said motion failed on the following: Aye: Council Members Duax, Lewis, Strobel, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell and Xiong. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Emmanuelle “to amend the Development Agreement by incorporating the changes recommended by the City Attorney (specifically in paragraphs 1.4, 2.2, 3.1, and the section entitled Recitals).” Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Strobel “to amend the amendment so the third Whereas paragraph under ‘Recitals’, is amended to read: Whereas, the proposed sites are believed to have development issues, including inadequate soils, obsolete platting, and flood plain development limitations. (Eliminate the phrase ‘and otherwise substantially impairs or arrests the sound growth of the community’.)” After discussion, said motion was withdrawn by the mover and seconder. The Council then voted on the motion to incorporate the changes recommended by city staff. Said motion was approved by a unanimous voice vote. The Council then voted on the motion to approve the Development Agreement, as amended, for the Mixed-Use Building as part of the Confluence Project. Said motion passed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel and Von Haden.

### **STATE / MUNICIPAL AGREEMENTS**

The Council considered resolutions approving four State/Municipal Agreements with the Wisconsin Department of Transportation.

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution approving the reconstruction of Short Street, from STH 37 to the Chippewa River Bridge, Project I.D. #7995-02-51/52. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution approving the replacement of the Water Street Bridge over the Chippewa River, Project I.D. #7995-02-39/40. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution approving the replacement of the Grand Avenue Bridge over Half Moon Lake, Project I.D. #7995-02-45/46. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution approving the replacement of the Eddy Street Bridge over the Union Pacific Railroad tracks, Project I.D. #7995-02-49/50. Said motion passed by unanimous vote.

### **INDEPENDENCE PARK 7<sup>TH</sup> ADDITION**

The Council considered a resolution approving the final plat for Independence Park 7<sup>th</sup> Addition, located on the north side of LaSalle Street, east of E. Princeton Avenue as shown on Planning File #P-2-14. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Haselwander Brothers, Inc. for street and utility improvements for Independence Park 7<sup>th</sup> Addition. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution indicating the location of required sidewalk construction within Independence Park 7<sup>th</sup> Addition, including the deferral of sidewalk abutting Camden Court because the sidewalk would serve no reasonable foreseeable public purpose. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle and Werthmann.

### **BRIAR HILL ESTATES**

The Council considered a resolution approving the final plat for Briar Hills Estates located off Bullis Farm Road, south of Keystone Crossing (File #P-3-14). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with C&M Properties and Construction for street and utility improvements to Briar Hill Estates. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

## **ENCROACHMENT**

The Council considered a resolution granting a permanent encroachment to Parcel 06-0383A (1300 First Avenue, former City Parks and Recreation building) for the existing building structure. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

## **NATIONAL LEAGUE OF CITIES CONFERENCE**

The Council considered a resolution appointing a Council Member Duax as the City’s voting delegate for the 2014 National League of Cities Conference in Austin, Texas. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous voice vote.

## **VOTER PHOTO ID**

The Council Member Emmanuelle had requested that a resolution authorizing the City Manager to utilize public transportation to provide rides without charge to City of Eau Claire residents to go to the Department of Motor Vehicles office in preparation for the November 4, 2014 election be placed on the agenda for Council consideration. Because of recent judicial events, Council Member Emmanuelle asked that the resolution be withdrawn from consideration.

## **ANNEXATION**

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14<sup>th</sup> Assessment Ward, 5<sup>th</sup> Aldermanic District, that part of Lots 17, 19, and 21 of Block 7 of Replat of Kohlhepp’s First Addition and the north half of Kohlhepp Road adjacent to said lots, all located in the NW ¼ - NE ¼, of Section 14, T27N, R10W, Town of Union, Eau Claire County, as shown on Planning Drawing No. 14-02A (Stanley petition), located on the north side of Kohlhepp Road. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

## **ZONING**

The Council considered an ordinance rezoning property at 1010 Folsom Street, from C-2 to R-1, as shown on Planning File #Z-1548-14. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

## **CHARTER ORDINANCE – ALDERMANIC DISTRICTS**

The Council considered a Charter Ordinance relating to the City Council and the reapportionment of the Aldermanic Districts of the city to incorporate recently created wards. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

## **ZONING**

The City Council had first reading on an ordinance rezoning property at the northwest corner of Kohlhepp Road and 33rd Street from TR-1A to R-1 as shown on File #Z-1549-14.

## **TRAFFIC & PARKING**

The City Council had first reading on an ordinance amending Table IX of the City Code of Ordinances, entitled "Parking During Specified Hours," by changing the parking on two sections of Hobart Street.

The City Council had first reading on an ordinance amending Table VI of the City Code of Ordinances, entitled "One-way Streets and Alleys," by deleting Eau Claire Street, westbound only from South Barstow Street to Graham Avenue; Graham Avenue, southbound only from Eau Claire Street to Washington Street; and South Barstow Street, northbound only from Washington Street to Eau Claire Street.

## **ADJOURNMENT**

A motion was offered by Council Member Mitchell and seconded by Council Member Werthmann "that this meeting does now adjourn." Said motion passed without objection.

Adjournment: October 14, 2014

Time: 10:56 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk